

RESPONSE TO RESTRICTION REQUIREMENT Address to: Mail Stop Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Atty. Docket No.	AREN-060 (060.US2.PCT)
	Application No.	10/561,132
	First Named Inventor	Adams, John W.
	Confirmation No.	9424
	Filing Date	February 23, 2007
	Examiner	Li, Ruixiang
	Group Art Unit	1645

Sir:

This communication is submitted in response to the Restriction Requirement dated September 9, 2008, and is accompanied by a Request for a Five Month Extension of Time. The Examiner therein required election of one of the following groups of claims:

Group I: Claims 136-143 and 155-157;

Group II: Claims 144 and 145;

Group III: Claims 146-147,

Group IV: Claim 148;

Group V: Claim 149;

Group VI: Claim 150;

Group VII: Claims 151-154,

With respect to the Restriction Requirement, the Applicants hereby elect to prosecute the claims of **Group I**, claims 136-143 and 155-157, with traverse. The Applicants further elect the species "**hypertrophic cardiomyopathy**" for initial prosecution on the merits. It is believed that all claims read on the elected species.

This Restriction Requirement is traversed on the following grounds:

The instant application is an international application that entered the US via 35 U.S.C. § 371. The restriction of claims in this application is therefore governed by PCT Rule 13.1 (via 37 C.F.R. § 1.475). PCT Rule 13.1 is elaborated in great detail in MPEP §§ 1893.03(d) and

1850.

According to PCT Rule 13.1, the Applicant has a right to pursue, in one application, all inventions that are linked by a single inventive concept.

In this application, the claims are linked by a single inventive concept, namely the link between RUP40 (SEQ ID NO:2) and cardiovascular disease.

Since the link between RUP40 (SEQ ID NO:2) and cardiovascular disease is reflected in all of the claims 136-154, the Applicants submit that the requirements of PCT Rule 13.1 have been met, and this Restriction Requirement should be withdrawn. Rejoinder of all of the claims is therefore requested.

Applicants would like to make Examiner Li aware of co-pending application 11/604,187. Examiner Li issued a Restriction Requirement in that application on September 8, 2008. Applicants are allowing that application to go abandoned.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number AREN-060.

Respectfully submitted,
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Date: March 6, 2009

By: /James S. Keddie, Reg. No. 48,920/

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